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Docket No. 1232-5159

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Toshifumi OSAWA

Group Art      TBA

Serial No.: 10/665,756

Examiner: TBA

Filed: September 19, 2003

For: PHOTOMETER, IMAGE SENSING DEVICE, PHOTOMETRIC METHOD, PROGRAM AND RECORDING MEDIUM

**CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))**

**Mail Stop AMENDMENT**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Sir:

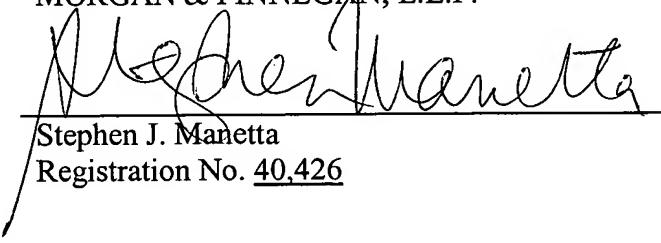
I hereby certify that the attached:

1. Supplemental Information Disclosure Statement;
2. Form PTO-1449 and copies of 6 items cited therein; and
3. Return Receipt Postcard
- 4.

along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on date shown below with sufficient postage as first-class mail in an envelope addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

By:

  
Stephen J. Manetta  
Registration No. 40,426

Dated: May 19, 2004

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For: PHOTOMETER, IMAGE SENSING DEVICE, PHOTOMETRIC  
METHOD, PROGRAM AND RECORDING MEDIUMSUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1.  For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:  
For Item A, JPA 06-225205, an English Abstract (Item AA) is provided; For Item B, JPA 09-184965, an English Abstract (Item BB) is provided; and, For Item C, JPA 11-190816, an English Abstract (Item CC) is provided.
2.  For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.  
Item A, JPA 06-225205; Item B, JPA 09-184965; and, Item C, JPA 11-190816.
3.  Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
4.  No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:  
 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or

- 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
- 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
- 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.

5.  No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.

6.  A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):

- A check in the amount of \$180.00 is enclosed in payment of the fee.
- Charge the fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A **DUPLICATE COPY OF THIS SHEET IS ATTACHED.**

7.  A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:

- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.

8.  A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

- a.  37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
- b.  37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the

attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).

c.  The fees due under 37 C.F.R. §§1.17(h) and 1.17(p) are paid as set forth in paragraph 11 below.

9.  I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10.  This document is accompanied by  a Search Report  Communication which was cited in a corresponding  PCT or  Foreign counterpart application

11.  A check in the amount of \$ \_\_\_\_\_ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).

Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-5159. **A DUPLICATE COPY OF THIS SHEET IS ATTACHED.**

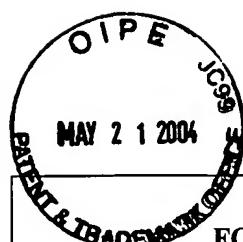
Respectfully submitted,  
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By:   
Stephen J. Manetta  
Registration No. 40,426

Dated: May 19, 2004

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<b>FORM PTO-1449</b> <b>INFORMATION DISCLOSURE CITATION</b>		Attorney Docket: 1232-5159	Serial No.: 10/665,756				
		Applicant: Toshifumi OSAWA	Filing Date: September 19, 2003	Group Art Unit: TBA			
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initial		Patent Number	Issue Date	Name	Class	Sub-Class	Filing Date
	1.						
	2.						
	3.						
	4.						
	5.						
	6.						
	7.						
	8.						
	9.						
	10.						
<b>FOREIGN PATENT DOCUMENTS</b>							
Examiner Initial		Patent Number	Publication Date	Country	Class	Sub-Class	Translation
	A	06-225205	Aug. 12, 1994	Japan			<input type="checkbox"/> Yes <input type="checkbox"/> No
	B	09-184965	Jul. 15, 1997	Japan			<input type="checkbox"/> Yes <input type="checkbox"/> No
	C	11-190816	Jul. 13, 1999	Japan			<input type="checkbox"/> Yes <input type="checkbox"/> No
							<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>OTHER DOCUMENTS (Including Author, Title, Date, etc.)</b>							
	AA	English Abstract for JPA 06-225205.					
	BB	English Abstract for JPA 09-184965.					
	CC	English Abstract for JPA 11-190816.					
Examiner				Date Considered			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							